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In re Application of:
BARBANTI, et al. :
U.S. Application No.: 10/586,494 :
PCT No.: PCT/EP2005/000514 :
Int'l Filing Date: 20 January 2005 :
Priority Date: 21 January 2004 :
Attorney's Docket No.: 2503-1224 :
For: ALPHA-AMINOAMIDE
DERIVATIVES USEFUL IN THE
TREATMENT OF LOWER
URINARY TRACT DISORDERS :

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)," filed 25 January 2007. Deposit Account No. 25-0120 will be charged the required petition fee.

BACKGROUND

On 20 January 2005, applicants filed international application PCT/EP2005/000514. The international application claimed a priority date of 21 January 2004, and it designated the United States. On 04 August 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 21 July 2006.

On 20 July 2006, applicants filed a Transmittal Letter for entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 25 January 2007, applicants filed a declaration executed by five of the six inventors, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of the remaining inventor, Orietta VENERONI, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration by the other inventors on behalf of themselves and the non-signing inventor; and (4)

factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have authorized a charge to Deposit Account No. 25-0120 for the required \$200 petition fee. Accordingly, item (1) is satisfied.

The petition expressly states the last known address of the non-signing inventor. Accordingly, item (2) is satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by five of the six inventors and including an unsigned signature box for the non-signing inventor. This declaration is treated as having been executed by the available inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition provides a firsthand statement, with supporting documents, demonstrating that a request for signature, accompanied by a copy of the complete application, was forwarded to the non-signing inventor at her last known address, that the inventor signed for receipt of the envelope containing such materials, and that the inventor failed to provide the requested signature in reply to this request. The request for signature stated that the failure to respond would be considered a refusal to execute the documents. In addition, the petition materials also include a statement from the inventor, through her attorney, stating that she "did not see any reason why she should sign further assignment documents" with respect to the present application. These materials provide an acceptable showing that the non-signing inventor has refused to execute the declaration. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of inventor Orietta VENERONI.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the non-signing inventor at her last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 January 2007.

RR

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